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OLC 79-0204/16

14 MAY 1979

DD/A Registry

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MEMORANDUM FOR: See Distribution

FROM :

[Redacted]
Chief, Legislation Division, OLC

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SUBJECT : Fiscal Year 1980 Intelligence
Authorization Bill

REFERENCE : OLC 79-0204/10

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1. Attached for your information are:

- S. 975, the Senate version of the Bill, as reported out by the Senate Select Committee on Intelligence;
- Senate Report No. 96-71, the unclassified SSCI Report on the Bill;
- H.R. 3821, the House version of the Bill introduced by House Permanent Select Committee on Intelligence Chairman Edward P. Boland (D., Mass.) immediately prior to full Committee markup. The reported version of the Bill will be the same. H.R. 3821 supersedes H.R. 2827, the Bill as originally introduced.
- House Report No. 96-127 Part 1, the unclassified HPSCI Report.

2. Among the significant matters covered in the Reports are:

- Classified Annexes: We were successful in convincing the HPSCI not to attempt to give the entire classified annex to its Report the force and effect of law. The HPSCI Report (p. 3) specifies that a classified Schedule of Authorizations is "directly incorporated into," and is "integral to" the Bill itself. The Report then notes the Committee's intent that

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all intelligence programs discussed in the classified annex be conducted in accordance with the annex's "guidance and limitations." This is basically the format recommended in the DCI's 9 March 1979 letter to House Speaker O'Neill transmitting the draft authorization bill. The SSCI's Report (p. 2) notes that the Committee expects that its classified annex will have the "full force of any Senate report" and that the Intelligence Community will comply with its "guidelines and directions."

- Drug Enforcement Administration: Both Committees restored the DEA to the list of agencies in Section 101(a). DEA was not included in the draft authorization bill which we forwarded to the Congress because that agency, the Office of Management and Budget, and the Intelligence Community Staff agreed that inclusion was inadvisable while the issue of which, if any, of the DEA's intelligence activities should be in the NFIP remained unresolved.
- Technical Provisions: Both Committees included the OMB-suggested provision on mandatory salary and benefit increases. Neither Committee included the OMB-suggested provision that would have brought the intelligence authorization process into technical compliance with the Congressional Budget Act by authorizing "such sums as may be necessary" for FY 1981.
- CIA Firearms Authority: Hearings were held before the HPSCI's Legislation Subcommittee on 4 April, but neither Committee included this provision in its reported Bill.
- Intelligence Community Staff: The HPSCI Report calls for a \$1.1 million reduction in FY 1980 IC Staff External Research and Analysis Projects.

-- Freedom of Information Act: The SSCI Report notes that "experience in implementing the statute suggests some changes may be warranted" with respect to the FOIA's impact on the Intelligence Community (pp. 4-5). The Committee authorized resources to insure that manpower for FOIA will be maintained at fiscal year 1979 levels.

-- General Committee Concerns: The SSCI Report notes that the Committee "continues to be concerned" about the "scope and quality of analysis" (p. 4) and about "certain aspects of Intelligence Community management" (p. 5). The HPSCI Report mentions a Committee finding of "certain shortcomings in the management and conduct of certain of the nation's intelligence activities" (p. 3). Specifics will appear in the classified annexes.

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Attachments
As stated

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